

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIQUE ZAFIR CASEY,

Plaintiff,

v.

HADDAD, et al.,

Defendants.

Case No. 1:21-cv-00855-KES-SKO (PC)

**ORDER GRANTING DEFENDANTS'  
MOTION TO MODIFY DISCOVERY AND  
SCHEDULING ORDER NUNC PRO TUNC**

(Doc. 72)

**ORDER VACATING DISPOSITIVE  
MOTION FILING DEADLINE**

Plaintiff Dominique Zafir Casey is a former state prisoner proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's constitutional claims against Defendants Castro, Fernandez, and Haddad.

**I. BACKGROUND**

The Court issued its Discovery and Scheduling Order on September 18, 2024. (Doc. 60.)

On February 13, 2025, Defendants filed a Motion to Modify Scheduling Order. (Doc. 62.)

The following day, the Court extended the deadlines for the completion of discovery and the filing of dispositive motions. (Doc. 63.)

On March 20, 2025, Defendants filed a motion to compel Plaintiff to sit for a second deposition and to produce complete responses to Defendants' request for production of documents. (Doc. 64.)

1 On April 22, 2025, the Court issued its Order Granting in Part and Denying in Part  
2 Defendants' Unopposed Motion to Compel and Request for Sanctions. (Doc. 66.) Plaintiff was  
3 ordered to sit for a second deposition within 45 days, and to respond to request numbers 5 and 6  
4 of Defendants' first request for production of documents within 14 days. (*Id.* at 6.) The Court also  
5 extended the dispositive motion deadline to July 21, 2025. (*Id.*)

6 On June 4, 2025, Plaintiff filed a notice of change of address indicating he had been  
7 released from California State Prison, Los Angeles County, to a residential street address in Los  
8 Angeles, California. (Doc. 67.)

9 On June 6, 2025, Defendants filed a second motion to compel and request for sanctions.  
10 (Doc. 68.) Defendants allege that Plaintiff has failed to fully respond to their written discovery  
11 requests and to fully cooperate at his second deposition. (*Id.*) The motion remains pending before  
12 the undersigned.

13 On July 18, 2025, Defendants moved for a second modification of the scheduling order.  
14 (Doc. 70.) On July 21, 2025, the Court issued its Order Granting Defendants' Motion to Modify  
15 Discovery and Scheduling Order, extending the deadline for filing dispositive motions to October  
16 20, 2025. (Doc. 71.)

17 On October 17, 2025, Defendants moved for a 90-day extension of the dispositive motion  
18 deadline. (Doc. 72.)

## 19 II. DISCUSSION

20 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling order "may  
21 be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). This  
22 good cause standard "primarily considers the diligence of the party seeking the amendment."  
23 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The court may modify  
24 the scheduling order "if it cannot reasonably be met despite the diligence of the party seeking the  
25 extension." *Id.* If the party was not diligent, the inquiry should end. *Id.*

26 Defendants move to extend the dispositive motion filing deadline by another ninety days.  
27 At the time of Defendants' request of October 17, 2025, the deadline for filing dispositive  
28 motions was October 20, 2025. Defendants contend that because their second motion to compel

1 remains pending, they cannot complete work on their summary judgment motion until the Court  
2 issues its ruling. Defendants contend good cause exists to extend the dispositive motion filing  
3 deadline until ninety days after the ruling on the pending motion to compel.

4 Defendants have established good cause to extend the dispositive motion filing deadline to  
5 allow for resolution of their pending motion and preparation of a dispositive motion. The Court  
6 will also vacate the October 20, 2025, dispositive motion filing deadline to avoid the need for  
7 continued extensions of the deadline. The Court will reset the dispositive motion deadline  
8 following resolution of Defendants' motion to compel and request for sanctions filed June 6,  
9 2025.

10 Accordingly, the Court **HEREBY ORDERS** that:

- 11 1. Defendants' motion to modify the scheduling order (Doc. 72) is **GRANTED**;
- 12 2. The October 20, 2025, deadline for filing dispositive motion is **VACATED** nunc pro  
13 tunc; and
- 14 3. The deadline for filing dispositive motions will be reset following resolution of  
15 Defendants' pending motion to compel (Doc. 68).

16  
17 IT IS SO ORDERED.

18 Dated: **October 21, 2025**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE